

Data Verification Report
BULLITT COUNTY SCHOOLS
Issued April 20, 2012

General Information	
<i>Type of Report:</i>	Consolidated Monitoring Visit – Individuals with Disabilities Education Act (Part B)
<i>Focus Areas Reviewed:</i>	<ul style="list-style-type: none">• Evaluation / Eligibility• Least Restrictive Environment
<i>Data Sources:</i>	<ul style="list-style-type: none">• Review of Student Due Process Files
<i>DLS Review Team Members</i>	<ul style="list-style-type: none">• Susan Farra, IDEA Team Leader• Gretta Hylton, Consultant

Onsite Visit Methodology

The Kentucky Department of Education (KDE), Division of Learning Services (DLS) has recently conducted a focused monitoring visit in your district. The focus areas for this review include priorities established by the Kentucky Department of Education. For this monitoring cycle, DLS established the following monitoring priorities:

- Eligibility for students identified for special education and related services
- Least restrictive environment (LRE) documentation.

Your district is one of 14 districts that received an onsite visit during the 2011-12 school year through the KDE Consolidated Monitoring Process.

The IDEA portion of the review was conducted by a team assembled by DLS as specified in the General Information section of this report. In order to complete the compliance review, the team reviewed individual student records.

Districts were directed to make available the pertinent student records randomly selected by the DLS team leader in order to determine the district's compliance status related to the focus areas stated above.

This report contains a section for each priority area reviewed for your district. It also contains "coded" student-specific noncompliance that must be corrected by the district. Individual student names are not provided in the report, due to confidentiality concerns. A separate list with codes and student names will be made available to the Director of Special Education after the issue of this report.

Even though eligibility and LRE are the focus of this report, the team may have noted other concerns when reviewing the student files. KDE is required under its general supervision responsibility to cite districts for IDEA noncompliance that it discovers during the course of monitoring.

Eligibility and Least Restrictive Environment

Records for eligibility were reviewed based upon the requirements outlined in 707 KAR 1:300 (Child find, evaluation and reevaluation), 707 KAR 1:310 (Determination of eligibility) and 707 KAR 1:350, Section1 (Placement decisions).

The following information outlines specific areas the review team investigated in order to determine compliance with eligibility and LRE requirements.

Data Verification Report
BULLITT COUNTY SCHOOLS
Issued April 20, 2012

Referral and Classroom Interventions

The review team assessed the district's compliance with 707 KAR 1:300 Section 3 as it pertains to ensuring that each child has been provided appropriate instruction and intervention services prior, or as a part of the referral process. The instruction and intervention services must include:

- Relevant research-based instruction and intervention services in regular education settings, with the instruction provided by qualified personnel;
- Data-based documentation of repeated assessments of achievement or measures of behavior which are collected and evaluated at reasonable intervals, reflecting systematic assessment of student progress during instruction; and
- Results having been provided to the child's parents.

Adverse Effect

For all disability categories, the Kentucky IDEA regulations require the ARC to document discussion of the adverse effect of the disability on the child's educational performance. Adverse effect means that the progress of the child is impeded by the disability to the extent that the child's educational performance is significantly and consistently below the level of similar aged peers. 707 KAR 1:002, Section 1(2).

Autism

Autism as defined by 707 KAR 1:002, means a developmental disability significantly affecting and nonverbal communication and social interaction, generally evident before age three (3) that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term shall not apply if a child's educational performance is adversely affected primarily because the child has an emotional-behavior disability.

Developmental Delay (DD)

Developmental Delay as defined by 707 KAR 1:002, means that a child within the ages of three and eight has not acquired skills, or achieved commensurate with recognized performance expectations for his age in one or more of the following developmental areas: cognition, communication, motor development, social-emotional development, or self-help-adaptive behavior. Developmental Delay includes a child who demonstrates a measurable, verifiable discrepancy between expected performance for the child's chronological age and current level of performance. The discrepancy shall be documented by:

- Scores of two standard deviations or more below the mean in one of the areas listed above as obtained using norm-referenced instruments and procedures;
- Scores of one and one-half standard deviations below the mean in two or more of the areas listed above using norm-referenced instruments and procedures; or
- The professional judgment of the ARC that there is a significant atypical or pattern of development. Professional judgment shall only be used where normal scores are inconclusive and the ARC documents in a written report the reasons for concluding that a child has a developmental delay.

Data Verification Report
BULLITT COUNTY SCHOOLS
Issued April 20, 2012

Emotional – Behavioral Disability (EBD)

Emotional – behavior disability as defined by 707 KAR 1:002, means that a child, when provided with interventions to meet instructional and social-emotional needs, continues to exhibit one (1) or more of the following, when compared to the child's peer and cultural reference groups, across settings, over a long period of time and to a marked degree:

- Severe deficits in social competence or appropriate behavior which cause an inability to build or maintain satisfactory interpersonal relationships with adults or peers;
- Severe deficits in academic performance which are not commensurate with the student's ability level and are not solely a result of intellectual, sensory, or other health factors but are related to the child's social-emotional problem;
- A general pervasive mood of unhappiness or depression; or
- A tendency to develop physical symptoms or fears associated with personal or school problems.

This term does not apply to children who display isolated (not necessarily one (1)) inappropriate behaviors that are the result of willful, intentional, or wanton actions unless it is determined through the evaluations process that the child does have an emotional-behavioral disability.

Functional Mental Disabilities

Per 707 KAR 1:002 Section 1, (37) in order for a child to be eligible under the functional mental disability (FMD) category the following criteria must exist:

- Cognitive functioning is at least three (3) or more standard deviations below the mean;
- Adaptive behavior deficit is at least three (3) or more standard deviations below the mean;
- A severe deficit exists in overall academic performance including acquisition, retention and application of knowledge; and
- Manifestation is typically during the developmental period

Mild Mental Disabilities

Per 707 KAR 1:002 Section 1, (37) in order for a child to be eligible under the mild mental disability (MMD) category the following criteria must exist:

- Cognitive functioning is at least two (2) but no more than three (3) standard deviations below the mean;
- Adaptive behavior deficit is at least two (2) standard deviations below the mean;
- A severe deficit exists in overall academic performance including acquisition, retention and application of knowledge; and
- Manifestation is typically during the developmental period.

Data Verification Report
BULLITT COUNTY SCHOOLS
Issued April 20, 2012

Multiple Disabilities

According to 707 KAR 1:002, Section 1 (39), multiple disabilities (MD) means “concomitant impairments that have an adverse effect on the child’s educational performance, the combination of which causes severe educational needs that cannot be accommodated in special education programs solely for one (1) of the impairments. Examples of MD include mental disability-blindness, and mental disability-orthopedic impairment. Multiple Disabilities does not mean deaf-blindness nor does it mean a speech or language impairment in combination with another category of disability.”

Based upon the requirement that the impairments must cause “severe educational needs” that cannot be accommodated in special education programs solely for one of the impairments, the DLS team must verify the student met eligibility requirements for all disability areas constituting the multiple disability. DLS must also look for verification that the student’s educational needs could not be met solely in a special education program for one of the impairments.

Examples of disability combinations that triggered increased scrutiny include OHI (ADHD)/EBD, OHI/MMD and OHI/SLD. In addition, some disability categories contain exclusionary factors which would ordinarily preclude some disability combinations. This includes combinations such as MMD/FMD, MMD/SLD and EBD/SLD.

Each file was considered by the review team on a case by case basis considering all data available to the team.

Other Health Impairment

Other Health Impairment (OHI), as defined by 707 KAR 1:002, Section 1 (42) means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that:

- Is due to a chronic or acute health problem and
- Adversely effects a child’s educational performance

The review team paid particular attention to ARC discussions of how the identified health impairment affects the child’s educational performance. In cases where this is not documented by the ARC as required by the regulations, the DLS Review Team found the district to be out of compliance with IDEA.

Specific Learning Disability

Specific Learning Disability (SLD) is defined by 707 KAR 1:002 Section 1 (59) as a disorder that adversely effects the ability to acquire, comprehend, or apply reading, mathematical, writing, reasoning, listening, or speaking skills to the extent that specially designed instruction is required to benefit from education. The term does not include deficits that are the result of other primary determinant or disabling factors such as:

- Vision;
- Hearing;
- Motor impairment;
- Mental disability;
- Emotional-behavioral disability;
- Environmental or economic disadvantaged;
- Cultural factors;

Data Verification Report
BULLITT COUNTY SCHOOLS
Issued April 20, 2012

- Limited English proficiency; or
- Lack of relevant research-based instruction in the deficit area

The review team also considered the requirements of 707 KAR 3:10 Section 2 in evaluating compliance for eligibility under the SLD category. Examples of required documentation include:

- Appropriate instruction provided in regular education settings;
- Repeated assessments of achievement at reasonable levels reflecting formal assessment of student progress during instruction;
- Relevant behavior noted during observation(s) and relationship of that behavior to the child's academic functioning (Note: 707 KAR 1:310 Section 1(i) states "behavioral observations" meaning more than one);
- Educationally relevant medical findings, if any; or
- Whether the child does not achieve commensurate with the child's age and ability

Speech and Language Impairment

Speech and Language Impairment (SLI) is defined by 707 KAR 1:280 Section 1 (60) as a communication disorder, including stuttering, impaired articulation, a language impairment, delayed acquisition of language or an absence of language that adversely effects a child's educational performance.

The DLS Monitoring Team used the guidelines included in the Kentucky Eligibility Guidelines – Revised (KEG-R) document as an outline for determining compliance with eligibility for special education services under the SLI category.

Although the KEG-R is no longer referenced in the Kentucky Administrative Regulations (KAR), the KEG provides a systematic method for ensuring that all Kentucky Administrative Regulations pertinent to eligibility have been met and that there is consistency across the state.

Whether or not the district uses the KEG-R document, the district must ensure that all eligibility requirements have been met.

Least Restrictive Environment

As outlined in 707 KAR 1:350, Section 1, the DLS Review Team verified documentation by reviewing documentation of Least Restrictive Environment (LRE) considerations by the ARC. In making the determination of the setting in which a student's IEP is to be implemented, the district must ensure:

- Special classes, separate schooling, or other removal from the regular education environment occurs only if education in the regular education environment with the use of supplementary aids and services cannot be satisfactorily achieved due to the nature or severity of the disability.
- A continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services
- A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

Data Verification Report
BULLITT COUNTY SCHOOLS
Issued April 20, 2012

Summary of KDE Team's Findings and District Compliance Status

The team reviewed current conference summaries and IEPs to ensure these regulatory requirements were met. Any concerns noted in this area are specified in the student-specific feedback below.

Table 1 on the following pages displays the results from the individual *Compliance Record Review Documents* used by the KDE Review Team to determine the status of the student records reviewed. See Appendix A at the end this report for a list of the items reviewed. The Director of Special Education has received the names of each student in order to match the code used in the table with the student record.

Table 1 – *Compliance Record Review Results*

(See Following 3 Pages)

Data Verification Report
BULLITT COUNTY SCHOOLS
 Issued April 20, 2012

Entered	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Item	Student 1	Student 2	Student 3	Student 4	Student 5	Student 6	Student 7	Student 8	Student 9	Student 10
Disability	FMD	EBD	SLD	OHI	DD	SL	EBD	SLD	DD	AUT
52	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
53	No	No	No	Yes	No	No	No	No	No	No
61	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
61a	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
61a(1)										
61b	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
61b(1)										
61b(2)										
61b(3)										
61c	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
61c(1)										
61c(2)										
61c(3)										
62	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
62(1)	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
62(2)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
62(3)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
63	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
64	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
65	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
66	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
67	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
68	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
69a	NA	No	NA	Yes	NA	NA	NA	NA	NA	NA
69a(1)		Yes		Yes						
69a(2)		Yes		Yes						
69a(3)		Yes		Yes						
69a(4)		No		Yes						
69b	NA	Yes	NA	Yes	NA	NA	NA	NA	NA	NA
69b(1)		Yes		Yes						
69b(2)		Yes		Yes						
Eligibility	Yes	No	Yes	Yes	No	Yes	Yes	No	No	No
Eligibility Concerns by Item Number		EBD 4, EBD 6			DD 3, DD 6			SLD 7c, SLD 10a, SLD 10b	DD 3, DD 6	AUT 3, AUT 6
Items Found Non-Compliant	1	5	1	0	2	1	1	3	7	2
Items Found Compliant	9	7	9	12	8	9	9	7	3	8
Measured Items	10	12	10	12	10	10	10	10	10	10
Student Compliance Rate	90.00%	58.33%	90.00%	100.00%	80.00%	90.00%	90.00%	70.00%	30.00%	80.00%
Student Corrections Required?	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes

Data Verification Report
BULLITT COUNTY SCHOOLS
 Issued April 20, 2012

Entered	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Item	Student 11	Student 12	Student 13	Student 14	Student 15	Student 16	Student 17	Student 18	Student 19	Student 20
Disability	SLD	EBD	AUT	DD	MMD	SL	AUT	OHI	OHI	FMD
52	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
53	No	No	Yes	No	No	No	Yes	No	No	No
61	Yes	NA	NA	Yes	NA	NA	NA	NA	NA	NA
61a	Yes	NA	NA	Yes	NA	NA	NA	NA	NA	NA
61a(1)	Yes			Yes						
61b	Yes	NA	NA	Yes	NA	NA	NA	NA	NA	NA
61b(1)	Yes			Yes						
61b(2)	Yes			Yes						
61b(3)	Yes			Yes						
61c	Yes	NA	NA	Yes	NA	NA	NA	NA	NA	NA
61c(1)	Yes			Yes						
61c(2)	Yes			Yes						
61c(3)	Yes			Yes						
62	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
62(1)	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
62(2)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
62(3)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
63	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
64	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
65	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
66	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
67	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
68	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
69a	NA	NA	No	NA	NA	NA	No	NA	NA	Yes
69a(1)			Yes				Yes			Yes
69a(2)			Yes				No			Yes
69a(3)			Yes				Yes			Yes
69a(4)			No				No			Yes
69b	NA	NA	Yes	NA	NA	NA	Yes	NA	NA	Yes
69b(1)			Yes				Yes			Yes
69b(2)			Yes				Yes			Yes
Eligibility	Yes	Yes	Yes	Yes	No	Yes	No	No	Yes	Yes
Eligibility Concerns by Item Number					MMD 1, MMD 2, MMD 4, MMD 5		AUT 2, AUT 6	OHI 3, OHI 6		
Items Found Non-Compliant	1	2	2	1	5	1	2	2	1	1
Items Found Compliant	10	8	10	10	5	9	10	8	9	11
Measured Items	11	10	12	11	10	10	12	10	10	12
Student Compliance Rate	90.91%	80.00%	83.33%	90.91%	50.00%	90.00%	83.33%	80.00%	90.00%	91.67%
Student Corrections Required?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Data Verification Report
BULLITT COUNTY SCHOOLS
 Issued April 20, 2012

Records:	25					Types of Records by Disability	
Item	NA	Non-Compliant	Compliant	Measured Items	Percent Compliant		
						Disability	Count
52	0	5	20	25	80.00%	AUT	3
53	0	21	4	25	16.00%	DB	0
61	22	0	3	3	100.00%	DD	3
61a	22	0	3	3	100.00%	EBD	3
61a(1)	0	0	3	3	100.00%	FMD	2
61b	22	0	3	3	100.00%	HI	0
61b(1)	0	0	3	3	100.00%	MD	2
61b(2)	0	0	3	3	100.00%	MMD	2
61b(3)	0	0	3	3	100.00%	OHI	4
61c	22	0	3	3	100.00%	OI	0
61c(1)	0	0	3	3	100.00%	SL	3
61c(2)	0	0	3	3	100.00%	SLD	3
61c(3)	0	0	3	3	100.00%	TBI	0
62	0	5	20	25	80.00%	VI	0
62(1)	0	5	20	25	80.00%	TOTAL	25
62(2)	0	1	24	25	96.00%		
62(3)	0	1	24	25	96.00%		
63	0	2	23	25	92.00%		
64	0	2	23	25	92.00%		
65	0	2	23	25	92.00%		
66	0	1	24	25	96.00%		
67	0	3	22	25	88.00%		
68	0	3	22	25	88.00%		
69a	18	4	3	7	42.86%		
69a(1)	0	0	7	7	100.00%		
69a(2)	0	1	6	7	85.71%		
69a(3)	0	0	7	7	100.00%		
69a(4)	0	4	3	7	42.86%		
69b	18	0	7	7	100.00%		
69b(1)	0	0	7	7	100.00%		
69b(2)	0	0	7	7	100.00%		
Eligibility	0	11	14	25	56.00%		
		Districtwide All Items Measured All Records					
		Compliant Records	Items Measured	Percent of Items Compliant			
		208	267	77.90%			
		Student Records 100% Compliant					
		Compliant Student Folders	Folders Reviewed	Percent of Records Compliant			
		1	25	4.00%			

Data Verification Report
BULLITT COUNTY SCHOOLS
Issued April 20, 2012

Table 2 – Student Specific Feedback

Student Specific Feedback	
Student 1	<p>Statement of LRE determination is vague and does not explain why student's needs could not be met within the general classroom.</p> <p>Student file is in compliance with evaluation and eligibility requirements.</p>
Student 2	<p>Statement of LRE determination is vague and does not explain why student's needs could not be met within the general classroom.</p> <p>"Determination of Need for Re-Evaluation Data" form and ARC conference summary do not explain how student's IEP progress monitoring data was used in deciding whether there was sufficient information to continue eligibility without conducting additional evaluation.</p> <p>Documentation is confusing as to when actual ARC meeting was held to determine need for additional re-evaluation data. Different dates were provided: 2-03-2011 (ARC notice), 2-08-2011, and 2-11-2011.</p> <p>Student's evaluation data used in "review of records" indicate a full scale I.Q of 72. No discussion was documented by the ARC in regard to standard error of measurement or any other method explaining how student was deemed to be two standard deviations below the mean cognitively as required for eligibility under Mild Mental Disability (MMD)</p> <p>Student had a significant number of school absences. The ARC did not discuss in terms of "lack of instruction in reading and/or math" being a "determinant factor in the eligibility decision".</p> <p>Student's "primary" disability is reported as Emotional Behavioral Disability, and "secondary" disability is Mild Mental Disability. It is no longer necessary for student to have both a "primary" and "secondary" disability".</p>
Student 3	<p>Statement of LRE determination is vague and does not explain why student's needs could not be met within the general classroom.</p> <p>Student file is in compliance with evaluation and eligibility requirements.</p>
Student 4	<p>Student file is in compliance with LRE, evaluation and eligibility requirements.</p>

Data Verification Report
BULLITT COUNTY SCHOOLS
Issued April 20, 2012

Student Specific Feedback	
Student 5	<p>There is no documentation of discussion by the ARC with regard to LRE that explains why student's needs could not be met within the general classroom.</p> <p>A referral was accepted by the ARC on August 25, 2011. Consent to evaluate student was signed on August 25, 2011 for assessment of general intelligence, academic performance, and social/emotional status. On November 9, 2011, the ARC determined the student was eligible under the category of Developmental Delay (DD) for self-help/adaptive behavior. On December 12, 2011, the ARC team met to discuss the results of a psychological addendum (communication and occupational therapy evaluations). No consent to evaluate in these additional areas was located in student file.</p> <p>ARC did not document how the student's disability impacts the student's performance significantly and consistently below that of similar-aged peers.</p>
Student 6	<p>Statement of LRE determination is vague and does not explain why student's needs could not be met within the general classroom.</p> <p>Student file is in compliance with evaluation and eligibility requirements.</p>
Student 7	<p>Statement of LRE determination is vague and does not explain why student's needs could not be met within the general classroom.</p> <p>Student file is in compliance with evaluation and eligibility requirements.</p> <p>IEP goals are not measurable. Behavior intervention plan is minimal and vague.</p>
Student 8	<p>Statement of LRE determination is vague and does not explain why student's needs could not be met within the general classroom.</p> <p>When conducting student's reevaluation, there were two behavioral observations done in the student's resource room. District policy and Kentucky regulation require at least one of the observations be in the student's general classroom setting for determining eligibility under the SLD category.</p>
Student 9	<p>There is a lack of documentation in student's file necessary to establish that the ARC considered "harmful effects" when it determined the LRE for the student.</p> <p>Statement of LRE determination is vague and does not explain why student's needs could not be met within the general classroom.</p> <p>No discussion was documented by ARC explaining how deficits have an adverse effect on student's educational performance.</p>

Data Verification Report
BULLITT COUNTY SCHOOLS
Issued April 20, 2012

Student Specific Feedback	
Student 10	<p>Statement of LRE determination is vague and does not explain why student's needs could not be met within the general classroom.</p> <p>There is no discussion by ARC team with regard to how the student's disability affects her educational progress to be significantly and consistently below that of similar-aged peers.</p>
Student 11	<p>Statement of LRE determination is vague and does not explain why student's needs could not be met within the general classroom.</p> <p>Student file is in compliance with evaluation and eligibility requirements.</p>
Student 12	<p>There a lack of documentation in student's file necessary to establish that the ARC considered "harmful effects" when it determined the LRE for the student.</p> <p>Statement of LRE determination is vague and does not explain why student's needs could not be met within the general classroom.</p> <p>Student file is in compliance with evaluation and eligibility requirements.</p> <p>IEP goals are not measurable. No Behavior Intervention Plan was evident in the file.</p>
Student 13	<p>Student file is in compliance with LRE requirements.</p> <p>"Determination of Need for Re-Evaluation Data" form and ARC conference summary do not explain how student's IEP progress monitoring data was used in deciding whether there was sufficient information to continue eligibility without conducting additional evaluation.</p>
Student 14	<p>Statement of LRE determination is vague and does not explain why student's needs could not be met within the general classroom.</p> <p>Student file is in compliance with evaluation and eligibility requirements.</p>

Data Verification Report
BULLITT COUNTY SCHOOLS
Issued April 20, 2012

Student Specific Feedback	
Student 15	<p>There is a lack of documentation in student's file to establish that the ARC considered "harmful effects" when it determined the LRE for the student.</p> <p>Statement of LRE determination is vague and does not explain why student's needs could not be met within the general classroom.</p> <p>There is no documentation in student's file that English is the native language of the student for evaluation purposes.</p> <p>Student's reevaluation does not include any current classroom behavioral observations.</p> <p>Student obtained a full-scale I.Q. score of 73. ARC provided no discussion as to how the ARC is using the Standard Error of Measurement or that all available data were triangulated to support continued eligibility.</p> <p>Student's adaptive behavior composite score was 93. This score falls within the average range. ARC provided no discussion as to how this score supported student's continued eligibility for MMD.</p> <p>The ARC did not document how the student's disability adversely affects his educational performance.</p>
Student 16	<p>Statement of LRE determination is vague and does not explain why student's needs could not be met within the general classroom.</p> <p>Student file is in compliance with evaluation and eligibility requirements.</p>
Student 17	<p>Student file is in compliance with LRE requirements.</p> <p>No current classroom behavior observations were conducted as part of the "review of records".</p> <p>The ARC did not consider the student's deficits as not being primarily the result of an Emotional Behavior Disorder (EBD). The eligibility sheet stated that the student was not identified as EBD and that he had been identified as autistic twice in the past.</p>

Data Verification Report
BULLITT COUNTY SCHOOLS
Issued April 20, 2012

Student Specific Feedback	
Student 18	<p>Statement of LRE is vague and does not explain why student's needs could not be met within the general classroom.</p> <p>ARC planned an evaluation of the Student. She was determined eligible for services under OHI. However, the ARC determined the student also met eligibility requirements for EBD and SLD in written language. The "primary" eligibility remained as OHI. OHI/EBD disabilities have exclusionary factors within themselves. Also, when determining SLD, the student's emotional/behavioral concerns should have been considered prior to making an eligibility determination.</p> <p>The ARC did not document how the student's disability adversely affects his educational performance.</p>
Student 19	<p>IEP and ARC conference summary dated 3-27-2012 are inconsistent with regard to student's designated placement. The IEP (p.5) states "placement in special classes" while the ARC conference summary states "full-time placement in general education".</p> <p>Student file is in compliance with evaluation and eligibility requirements.</p> <p>Conference summary notes dated 5-20-2011 stated that the student's re-evaluation planning was done and the evaluation planning form filled out while student was in an out of district placement. This information did not appear to be in the student's file.</p> <p>Student's "primary" disability is designated as Other health Impairment (OHI) and his 'secondary' disability is designated as Emotional Behavioral Disability (EBD). . It is no longer necessary for student to have both a "primary" and "secondary" disability".</p>
Student 20	<p>Statement of LRE determination is vague and does not explain why student's needs could not be met within the general classroom.</p> <p>Student file is in compliance with evaluation and eligibility requirements.</p>
Student 21	<p>Statement of LRE determination is vague and does not explain why student's needs could not be met within the general classroom.</p> <p>Student's cognitive functioning is 71 with no explanation for use of the Standard Error of Measurement (SEM). Adaptive score was 103 (well above the MMD range) with no discussion. There is not a severe deficit in overall academic performance discussed.</p> <p>There is no documentation by ARC of how student's disability affects her educational performance.</p>

Data Verification Report
BULLITT COUNTY SCHOOLS
Issued April 20, 2012

Student Specific Feedback	
Student 22	<p>There is a lack of documentation in student's file necessary to establish that the ARC considered "harmful effects" when it determined the LRE for the student.</p> <p>"Determination of Need for Re-Evaluation Data" form and ARC conference summary do not explain how student's IEP progress monitoring data was used in deciding whether there was sufficient information to continue eligibility without conducting additional evaluation. Student's IEP monitoring progress data are simply referred to on "Determination of Need for Re-Evaluation Data" form as being attached to the student's IEP.</p>
Student 23	<p>There is a lack of documentation in student's file necessary to establish that the ARC considered "harmful effects" when it determined the LRE for the student.</p> <p>Statement of LRE determination is vague and does not explain why student's needs could not be met within the general classroom.</p> <p>Student file is in compliance with evaluation and eligibility requirements.</p>
Student 24	<p>Statement of LRE determination is vague and does not explain why student's needs could not be met within the general classroom.</p> <p>In May 2010, the student was reevaluated and determined eligible for SLI services. In May 2011, the ARC determined there was no adverse effect and released the student from special education services. In September 2011, the student was again placed back into SLI services. The eligibility sheet states, "the student would like to come back since she is having difficulty with speech sounds". No evaluation was conducted.</p> <p>No parental consent form for evaluation was located in the student's file.</p> <p>No parental consent form for provision of services was located in the student's file.</p>
Student 25	<p>Student is currently placed on home/hospital instruction due to medical needs.</p> <p>Statement of LRE determination is vague and does not explain why student's needs could not be met within the general classroom.</p> <p>ARC determined the student eligible for services under the category of Multiple Disabilities (MD) as student met eligibility criteria under FMD (Functional Mental Disability), OHI (Other Health Impairment), and OI (Orthopedic Impairment).</p> <p>When considering student's eligibility under OI, there is little to no discussion on how deficits have an adverse effect on student's educational performance.</p>

The district is cited relative to student-specific violations related to placement decisions/LRE (707 KAR 1:350)

Data Verification Report
BULLITT COUNTY SCHOOLS
Issued April 20, 2012

The district is cited relative to student-specific violations related to evaluation/reevaluation (707 KAR 1:300).

The district is cited relative to student-specific violations related to determination of eligibility (707 KAR 1:310).

Corrective Action Plan Requirements

707 KAR 1:380 specifies that, after an off-site or on-site review, KDE must issue a written report. Deficiencies (instances of noncompliance) specified in the report shall be the basis for the district to develop a Corrective Action Plan (CAP) for review and approval by KDE. The district has the opportunity to submit additional information or to verify or clarify issues related to the report (prior to the development of the CAP).

Each CAP must be monitored and enforced by KDE.

The district must submit its CAP to KDE no later than 30 business days after the district receives the report. Business day means Monday through Friday except for federal and state holidays as defined by 707 KAR 1:002 (6).

The CAP must include:

- A statement of the matter to be corrected
- The steps the LEA shall take to correct the problem and document compliance

DLS will send a CAP template to the Director of Special Education for development of the district's CAP.

Within 30 business days of receiving the CAP, KDE must notify the district of the status of the CAP. If KDE rejects the CAP, the district has up to 15 business days to submit a new CAP. A CAP, once approved by KDE must be monitored and is an official document requiring the district to meet the specified activities.

KDE will not initiate further sanctions during the time period specified in the CAP unless requested by the district. Any noncompliance found during monitoring must be corrected within one year. The U.S. Department of Education's Office of Special Education Programs (OSEP) specifies the one-year timeline runs from the date KDE notifies the district in writing of the noncompliance until KDE notifies the district in writing that the noncompliance has been corrected.

Student Level and Systemic Noncompliance

KDE tracks findings of noncompliance and requires correction at the individual student level as required by OSEP. KDE also looks for compliance at a systemic level. For the purposes of KDE monitoring, *systemic* means findings of noncompliance where related issue(s) are occurring more than once. Examples might include:

- Noncompliance across disability categories where documentation of interventions and appropriate research-based instruction did not occur prior to referral.
- The use of only one classroom behavior observation (subsequent to September 7, 2010).

In cases where systemic noncompliance is noted, the district must not only correct the individual student files as necessary, but must also determine the cause(es) for the noncompliance and take steps in the CAP to correct these issues.

Data Verification Report
BULLITT COUNTY SCHOOLS
Issued April 20, 2012

Table 3 below includes any student-specific issues that must be addressed through the CAP process. Table 4 includes any systemic issues that must also be addressed.

The district shall be required to submit corrective action plan status reports using the space provided in the electronic CAP template on a quarterly basis to the DLS Team Leader. It is strongly recommended that the district submit copies of student-specific corrections as they occur in order for the team leader to review and provide timely feedback to the district.

Table 3

Required Student-Specific Corrective Action, if Applicable	
Student 1	An ARC must be convened in order to appropriately document LRE considerations in determining the student's educational environment.
Student 2	<p>An ARC must be convened in order to appropriately document LRE considerations in determining the student's educational environment.</p> <p>An ARC must be convened in order to review existing evaluation data, determine if more data is needed, determine eligibility, and if found eligible to develop an appropriate IEP.</p>
Student 3	An ARC must be convened in order to appropriately document LRE considerations in determining the student's educational environment.
Student 4	No corrective action required.
Student 5	<p>An ARC must be convened in order to appropriately document LRE considerations in determining the student's educational environment.</p> <p>An ARC must be convened in order to review existing evaluation data, determine if more data is needed, determine eligibility, and if found eligible to develop an appropriate IEP. As part of that ARC, the committee will determine if the child's disability results in an adverse effect that is significantly and consistently below the level of similar age peers. If the ARC does determine an adverse effect requiring specially designed instruction, the ARC must ensure the IEP addresses the area of identified disability.</p>
Student 6	An ARC must be convened in order to appropriately document LRE considerations in determining the student's educational environment.
Student 7	An ARC must be convened in order to appropriately document LRE considerations in determining the student's educational environment.
Student 8	<p>An ARC must be convened in order to appropriately document LRE considerations in determining the student's educational environment.</p> <p>An ARC must be convened in order to review existing evaluation data, determine if more data is needed, determine eligibility, and if found eligible to develop an appropriate IEP.</p>

Data Verification Report
BULLITT COUNTY SCHOOLS
 Issued April 20, 2012

Required Student-Specific Corrective Action, if Applicable	
Student 9	<p>An ARC must be convened in order to appropriately document LRE and harmful effects considerations in determining the student's educational environment.</p> <p>An ARC must be convened in order to determine if the child's disability results in an adverse effect that is significantly and consistently below the level of similar age peers. If the ARC does determine an adverse effect requiring specially designed instruction, the ARC must ensure the IEP addresses the area of identified disability.</p>
Student 10	<p>An ARC must be convened in order to appropriately document LRE considerations in determining the student's educational environment.</p> <p>An ARC must be convened in order to determine if the child's disability results in an adverse effect that is significantly and consistently below the level of similar age peers. If the ARC does determine an adverse effect requiring specially designed instruction, the ARC must ensure the IEP addresses the area of identified disability.</p>
Student 11	<p>An ARC must be convened in order to appropriately document LRE considerations in determining the student's educational environment.</p> <p>An ARC must be convened in order to review existing evaluation data, determine if more data is needed, determine eligibility, and if found eligible to develop an appropriate IEP.</p>
Student 12	<p>An ARC must be convened in order to appropriately document LRE and harmful effects considerations in determining the student's educational environment.</p>
Student 13	<p>An ARC must be convened in order to review existing evaluation data, determine if more data is needed, determine eligibility, and if found eligible to develop an appropriate IEP.</p>
Student 14	<p>An ARC must be convened in order to appropriately document LRE considerations in determining the student's educational environment.</p>
Student 15	<p>An ARC must be convened in order to appropriately document LRE and harmful effects considerations in determining the student's educational environment.</p> <p>An ARC must be convened in order to review existing evaluation data, determine if more data is needed, determine eligibility, and if found eligible to develop an appropriate IEP. As part of that ARC, the committee will determine if the child's disability results in an adverse effect that is significantly and consistently below the level of similar age peers. If the ARC does determine an adverse effect requiring specially designed instruction, the ARC must ensure the IEP addresses the area of identified disability.</p>
Student 16	<p>An ARC must be convened in order to appropriately document LRE considerations in determining the student's educational environment.</p>

Data Verification Report
BULLITT COUNTY SCHOOLS
 Issued April 20, 2012

Required Student-Specific Corrective Action, if Applicable	
Student 17	An ARC must be convened in order to review existing evaluation data, determine if more data is needed, determine eligibility, and if found eligible to develop an appropriate IEP. As part of that ARC, the committee will determine if the child's disability results in an adverse effect that is significantly and consistently below the level of similar age peers. If the ARC does determine an adverse effect requiring specially designed instruction, the ARC must ensure the IEP addresses the area of identified disability.
Student 18	<p>An ARC must be convened in order to appropriately document LRE considerations in determining the student's educational environment.</p> <p>An ARC must be convened in order to review existing evaluation data, determine if more data is needed, determine eligibility, and if found eligible to develop an appropriate IEP. As part of that ARC, the committee will determine if the child's disability results in an adverse effect that is significantly and consistently below the level of similar age peers. If the ARC does determine an adverse effect requiring specially designed instruction, the ARC must ensure the IEP addresses the area of identified disability.</p>
Student 19	An ARC must be convened in order to appropriately document LRE considerations, harmful effects, and resolve inconsistencies in determining and recording the student's educational environment.
Student 20	An ARC must be convened in order to appropriately document LRE considerations in determining the student's educational environment.
Student 21	<p>An ARC must be convened in order to appropriately document LRE considerations in determining the student's educational environment.</p> <p>An ARC must be convened in order to review existing evaluation data, determine if more data is needed, determine eligibility, and if found eligible to develop an appropriate IEP. As part of that ARC, the committee will determine if the child's disability results in an adverse effect that is significantly and consistently below the level of similar age peers. If the ARC does determine an adverse effect requiring specially designed instruction, the ARC must ensure the IEP addresses the area of identified disability.</p>
Student 22	<p>An ARC must be convened in order to appropriately address harmful effects considerations in determining the student's educational environment and LRE.</p> <p>An ARC must be convened in order to review existing evaluation data, determine if more data is needed, determine eligibility, and if found eligible to develop an appropriate IEP.</p>
Student 23	An ARC must be convened in order to appropriately document LRE and harmful effects considerations in determining the student's educational environment.

Data Verification Report
BULLITT COUNTY SCHOOLS
 Issued April 20, 2012

Required Student-Specific Corrective Action, if Applicable	
Student 24	<p>An ARC must be convened in order to appropriately document LRE considerations in determining the student's educational environment.</p> <p>An ARC must be convened in order to review existing evaluation data, determine if more data is needed, determine eligibility, and if found eligible to develop an appropriate IEP.</p>
Student 25	<p>An ARC must be convened in order to appropriately document LRE considerations in determining the student's educational environment.</p> <p>An ARC must be convened in order to review existing evaluation data, determine if more data is needed, determine eligibility, and if found eligible to develop an appropriate IEP. As part of that ARC, the committee will determine if the child's disability results in an adverse effect that is significantly and consistently below the level of similar age peers. If the ARC does determine an adverse effect requiring specially designed instruction, the ARC must ensure the IEP addresses the area of identified disability.</p>

Table 4

Required Corrective Action Steps to Address Systemic Noncompliance, if Applicable
<p>Prior to the correction of individual student files, the district must obtain KDE-approved training for the Director of Special Education, District Special Education Consultants, ARC Chairpersons, evaluation personnel, and special education providers regarding LRE consideration requirements (including the continuum of alternative placements and consideration of harmful effects). The training must be conducted and evidence provided to KDE no later than September 14, 2012.</p>
<p>Prior to the correction of student specific noncompliance found in the table above, the District must provide copies of the September 7, 2010 KDE eligibility policy letter to all certified staff in the district no later than June 1, 2012. This may be distributed via email.</p> <p>The district must provide a facilitated viewing of the KDE eligibility policy webinar for all building level administrators, evaluators, ARC chairpersons and special education providers. This must be completed no later than September 14, 2012.</p>
<p>The Director of Special Education will provide one-on-one consultation with special education providers to assist in the correction of identified areas of noncompliance.</p>
<p>The district must implement a system of random record reviews of no less than five special education due process files from each school to be conducted within the timeframe of the CAP. The files reviewed must reflect a random sampling of IDEA disability categories.</p> <p>A <u>summary</u> of record reviews and corrections of noncompliance must be provided to KDE quarterly until the CAP has been deemed by KDE to be completed.</p>

Data Verification Report
BULLITT COUNTY SCHOOLS
Issued April 20, 2012

Required Corrective Action Steps to Address Systemic Noncompliance, if Applicable

On a quarterly basis, the district shall provide written documentation to KDE showing the progress being made by the district in correcting the student-specific evaluation, eligibility and LRE issues that are identified in this report. This documentation shall include, but is not limited to, copies of ARC evaluation planning meeting summaries, evaluation reports, eligibility determination documents, and revised IEPs.